



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

RABBI DEAN ALTON HOLCOMB,  
Plaintiff,

VS.

THE MUNICIPALITY OF GREENVILLE §  
COUNTY; JAIL ADMINISTRATOR §  
J. VANDERMOSTEN, in his official capacity; §  
LT. W. KRAMER, in his official capacity; §  
LT. R. GROSS, in her official capacity; §  
SGT. A. CHAUDHARY, in his official §  
capacity; SGT. GOINS, personally and in his §  
official capacity; and C/O D. Manly, personally §  
and in his official capacity, §  
Defendants. §

CIVIL ACTION NO. 1:14-3477-MGL-SVH

ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING THIS ACTION WITHOUT PREJUDICE AND WITHOUT ISSUANCE  
AND SERVICE OF PROCESS AS TO DEFENDANTS  
GREENVILLE COUNTY, VANDERMOSTEN, MANLY, GOINS, AND GROSS

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that this case be dismissed without prejudice and without issuance and service of process as to Defendants Greenville County, Vandermosten, Manly, Goins, and Gross. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on October 23, 2014, but Plaintiff failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this action is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process as to Defendants Greenville County, Vandermosten, Manly, Goins, and Gross

**IT IS SO ORDERED.**

Signed this 26th day of January, 2015, in Spartanburg, South Carolina.

s/ Mary G. Lewis  
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MARY G. LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.